

REMARKS

For the sake of clarity, and to emphasize the patentable distinctions of applicant's invention over the prior art, claim 1 has been amended to recite a system wherein a computer of a user of an Internet Service Provider is connected thereto via a connection having a connection speed. The system also includes a registration means for accepting a request from the user to become a registered user and a compensation means for compensating a registered user for receiving an advertisement. Access by the user of the Internet Service Provider: (i) triggers display of the advertisement in a temporary and non-dismissible window on the user's computer monitor; and (ii) effects compensation of the registered user. Claim 6 has been amended to recite a system wherein the registration means comprises at least one web page comprising a register button, whereby a registration window for receiving: (i) the user's request to become a registered user; and (ii) the registered user's demographic information. As amended, claim 7 recites a system wherein the non-dismissible and temporary browser window has at least one page comprising a "more information" button.

In order to emphasize the patentable distinctions of applicant's invention over the prior art, claim 8 has been amended to recite a method including a step of accepting a request from a user to become a registered user. For the sake of clarity, method claims 9-14 have been amended to correct obvious typographical errors, the claims now depending from method claim 8 instead of claim 6, which is directed to a system.

For the sake of clarity and to emphasize the patentable distinctions of applicant's invention over the prior art, claim 15 has been rewritten in independent form, including step (a) formerly inherited from base claim 8, and further including a step of accepting a request from the user to become a registered user. Claim 16 is now presented in independent form, including step (a) of former base claim 8 and further including a step of accepting a request from the user to become a registered user. The registered user is sent a selected advertisement and is compensated for receiving the advertisement. Claim 17 has been amended to depend from claim 16, and recites a method wherein the determining step includes determining both the connection speed of the user's connection to the Internet Service Provider and the processor speed of the user's computer. The type of the advertisement to be sent is selected appropriate for the connection speed and the processor speed.

Claim 18, which depends from claim 2, has been amended to recite a system having a wireless connection. Claim 19 has been amended to depend from claim 16.

Claim 20, directed to a system further comprising selecting means for selecting an advertisement to be presented to the registered user based on the user's demographic information, has been added to provide adequate protection for applicant's contribution to the art.

Each of the foregoing amendments is clearly supported by the original specification; particularly at page 4, lines 20-21; page 5, lines 5-8; page 6, lines 17-22; page 7, lines 17-18; and page 8, lines 17-18. Consequently, no new matter has been added.

Applicant's invention provides a system and method for disseminating advertising via the Internet. In an aspect, the invention provides an Internet user the opportunity to receive compensation in exchange for accepting the display of advertisements on his/her computer monitor in a non-dismissible browser window. Although other forms of advertising via the Internet are known, the present system provides a combination of benefits to both the advertiser and the user. The advertiser has assurance that advertisements will be presented to the user, and the likelihood for the advertiser of influencing the user is increased, since the advertisement is inexorably displayed on the user's computer web browser for a known time interval. The user, on the other hand, has voluntarily agreed to accept such advertising in exchange for assured compensation in the form of monetary recompense or the like.

The Examiner has objected to claims 9-18 as being informal.

In particular, claims 9-18 are said to set forth a "method" preamble, yet depend from system claim 6. Applicant expresses appreciation to the Examiner for his constructive indication that these claims apparently were intended to depend from method claim 8, and for his treatment of the claims as if they depended from claim 8. Claims 9-14, which are directed to a method for advertising to a user of an Internet Service Provider, have been amended accordingly to depend from method claim 8. Claims 15 and 16 have been rewritten in independent form. Method claim 17 has been amended to depend from method claim 16 in a manner that is submitted to further limit the subject matter of the base claim without elimination of any feature thereof. As amended, claim 18 is directed to a system

for placing an advertisement and depends from system claim 2. It is submitted that the amendments to claims 9-18 cure any informalities to which the Examiner objected. Reconsideration of the objection to claims 9-18 as being informal is respectfully requested.

Objection has been lodged under 37 CFR 1.75(c) to claims 15-17 as being of improper dependent form for failing to further limit the subject matter of a previous claim. It is observed that existing limitations in a parent claim cannot be replaced or removed in a proper dependent claim. Claims 15 and 16 have been amended by rewriting them in independent form, thereby obviating any objection that those claims are of improper dependent form. Claim 17 has been amended to depend from claim 16 and further limit the subject matter thereof. As amended, claim 17 recites a method wherein the determining step further comprises determining said processor speed and the selecting step is based on both connection speed and processor speed. It is respectfully submitted that amended claim 17 is in proper dependent form, which further limits the subject matter of its base claim 16.

Accordingly, reconsideration of the objection under 37 CFR 1.75(c) to claims 15-17 as being of improper dependent form for failing to further limit the subject matter of a previous claim is respectfully requested.

Claim 17 has been rejected under 35 USC 101 as being directed to non-statutory subject matter. The Examiner has indicated that claim 17 merely determines speed, selects an ad, and compensates the user. The step of displaying the ad is said not to be present, so that the claim does not set forth a concrete, useful, and tangible result. As amended, claim

17 depends from claim 16, and therefore inherits the displaying step [feature (f)] of claim 16. It is therefore submitted that amended claim 17 sets forth a concrete, useful, and tangible result, as required to render its subject matter statutory as delineated by 35 USC 101.

In view of the amendment to claim 17 and the foregoing remarks, it is submitted that amended claim 17 properly recites subject matter falling within the statutory limits delineated by 35 USC 101.

Accordingly, reconsideration of the rejection under 35 USC 101 of claim 17 as being directed to non-statutory subject matter is respectfully requested.

Claims 6, 7, and 16-19 were rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter the applicant regards as the invention. In claims 6 and 7, there is alleged to be no antecedent basis for the "said web site." Claim 16 is purportedly confusing, as the described "speed" is said not to be the literal "sum" of the user's processor speed and the Internet connection speed. Claim 17 is said to be incomplete for omitting essential steps, the omission amounting to a gap between the steps. The omitted step is said to be the step of displaying the advertisement to the user. Claims 18 and 19 are said to lack antecedent basis for "said connection."

As amended, the term "web site" does not appear in claims 6 and 7. Instead, claim 6 requires that the registration means recited by feature (c) of claim 1 have at least one web page comprising a register button. Claim 7 requires that the non-dismissible and temporary

browser window delineated by feature (b) of claim 1 have at least one page comprising a "more information" button. It is thus submitted that any indefiniteness resulting from a lack of antecedent basis for the term "web site" in claims 6 and 7 has been obviated.

Claim 16 has been amended to recite a user having a computer with a processing speed and an Internet connection having a connection speed. Feature (d) requires that an advertisement type be selected that is appropriate for the connection speed. Claim 17, dependent from claim 16, requires that the advertisement type selected also be appropriate for the processor speed. The "sum" of the processor speed and the Internet connection speed, which the Examiner regarded as confusing, has been removed from claims 16 and 17. It is respectfully submitted that any indefiniteness resulting from the term "speed" being defined as a "sum" of the Internet connection speed and the processor speed has thereby been removed.

As set forth hereinabove in connection with the rejection of claim 17 under 35 USC 101, claim 17 has been amended to depend from claim 16, which includes the step of displaying an advertisement. It is thus submitted that the claim does not omit any essential step, the lack of which amounts to a gap between the recited steps.

The term "said connection" in claims 18 and 19 is said to lack antecedent basis. As amended, claim 18 depends on base claim 1 through intervening claim 2. Claim 1 has been amended to recite that the computer of the user is connected to the Internet Service Provider via a connection having a connection speed. It is submitted that such recitation in claim 1 provides the required antecedent basis for the term "connection" in claim 18, which depends indirectly from claim 1. Claim 16 has been amended to recite a connection via

which a user's computer is adapted to be connected to the Internet, the connection having a connection speed. It is submitted that such recitation provides proper antecedent basis for the term "said connection" in claim 19, which is dependent from claim 16.

In view of the amendment to claims 1, 16, 18, and 19 and the foregoing remarks, it is submitted that claims 6, 7, and 16-19 satisfy the statutory requirement of definiteness under 35 USC 112, second paragraph, by particularly pointing out and distinctly claiming the subject matter regarded as the invention.

Accordingly, reconsideration of the rejection of claims 6, 7, and 16-19 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter the applicant regards as the invention is respectfully requested.

Claims 1, 4, and 5 were rejected under 35 USC 102(e) as being anticipated by US Patent 6,687,737 to Landsman et al.

Landsman et al. discloses a technique for implementing in a networked client-server environment, e.g., the Internet, network distributed advertising in which advertisements are downloaded from an advertising server to a browser executing at a client computer. The advertisements are subsequently displayed interstitially in response to a click-stream generated by the user to move from one web page to another.

As amended, claim 1 (and claims 4 and 5 dependent thereon) requires a registration means by which an Internet user can become a registered user and a compensation means by which the user is thereafter compensated, e.g. by a monetary payment or other suitable form

of compensation, for receiving advertisements that are displayed on the user's computer monitor in a window that cannot be dismissed before a time duration fixed in the protocol by which the advertisement is transmitted from the Internet Service Provider. Claim 1 is submitted to require in combination (i) the aforementioned registration, and (ii) compensation means not disclosed or suggested by Landsman et al. It is thus submitted that the subject matter of claims 1, 4, and 5 is novel over Landsman et al.

In view of the amendment to claim 1 and the foregoing remarks, it is submitted that claims 1, 4, and 5 are novel over Landsman et al.

Accordingly, reconsideration of the rejection of claims 1, 4, and 5 under 35 USC 102(e) as being anticipated by Landsman et al. is respectfully requested.

Claim 2 was rejected under 35 USC 103(a) as being unpatentable over Landsman et al. in view of US Patent 5,854,897 to Radziewicz et al.

Radziewicz et al. discloses a communications marketing system which allows a client station accessing a computer network through a Network Service provider to receive advertisements whenever the connection path between the client station and the Service Provider is idle.

Significantly, neither Landsman et al. nor Radziewicz et al. discloses or suggests any system having, in combination, the aforementioned registration means and compensation means delineated by claim 1, from which claim 2 depends. Accordingly, claim 2 is submitted to be patentably unobvious over the combination of Landsman et al. and Radziewicz et al.

Accordingly, reconsideration of the rejection of claim 2 under 35 USC 103(a) as being unpatentable over Landsman et al. in view of Radziewicz et al. is respectfully requested.

Claims 3, 6, and 7 were rejected under 35 USC 103(a) as being unpatentable over Landsman et al. As set forth above in connection with the rejection of claims 1, 4, and 5 under 35 USC 102(e), it is respectfully submitted that Landsman et al. fails to disclose or suggest, in combination, the registration means and the compensation means delineated by claim 1, from which claims 3, 6, and 7 depend. Applicant therefore maintains that claims 3, 6, and 7 are patentable over Landsman et al. for at least the same reasons as claim 1.

Accordingly, reconsideration of the rejection of claims 3, 6, and 7 under 35 USC 103(a) as being unpatentable over Landsman et al. is respectfully requested

Claims 8-15, 18, and 19 were rejected under 35 USC 103(a) as being unpatentable over Landsman et al. in view of US Patent 5,855,008 to Goldhaber et al.

Goldhaber et al. provides an approach for distributing advertising and other information over a computer network. The method is said to be usable to provide direct, immediate payment to a consumer for paying attention to an advertisement or other information.

Regarding claim 8, the Examiner has indicated that Goldhaber et al. teaches many embodiments whereby a registered computer user is compensated for viewing advertising. However, applicant respectfully submits that any system implemented in accordance with the combined teaching of Landsman et al. and Goldhaber et al. would not incorporate the

features required by claim 8. While Goldhaber et al. admittedly discloses certain forms of compensation of computer users, it is submitted that the Goldhaber et al. technique differs from that of claim 8 in significant respects. In particular, the Goldhaber et al. technique calls for users to be presented with a window having a list of ads that the user may elect to view. Col. 7, lines 28-30. Next to the titles displayed on the ad list is a "consumer interface button" with a distinctive style. The user receives compensation only after opening one of the listed ads by mouse-clicking the customer interface button corresponding to the given ad. Col. 7, lines 51-55. The user thus may avoid seeing ads altogether, albeit foregoing compensation as a result. By way of contrast, in the method provided by amended claim 8, by the act of registering, the user surrenders any option to decline to receive advertising during an Internet session, but in exchange is assured of compensation. Such a transaction is far more beneficial from the point of view of the advertiser, who is assured that his/her ads will be disseminated in non-dismissible browser windows. Even in combination, Landsman et al. and Goldhaber et al. fail to disclose or suggest such a method. Extensive reconstruction would be required to modify any method disclosed or suggested by Landsman et al. and Goldhaber et al. to provide the particular steps delineating the method of applicant's amended claim 8. Applicant respectfully submits that such reconstruction is not fairly taught by the Landsman et al. and Goldhaber et al. references, nor is there any evidence adduced by the Examiner motivating such a reconstruction.

With respect to claim 13, the Examiner has indicated that a user's act of leaving a previous web site is taken as closing a computer program, the program being the HTML-

programmed web site content. It is respectfully submitted that claim 13 is dependent from claim 8, and thereby inherits features that render claim 8 patentable over Landsman et al. and Goldhaber et al.

With respect to claims 9-12, 14, and 15, the Examiner has regarded such claims as being addressed in a manner as set forth in connection with the previous rejections.

Applicant respectfully submits that amended claims 9-14 depend from claim 8 and inherit its features, rendering it patentable over Landsman et al. and Goldhaber et al. for at least the same reasons as base claim 8. Independent claims 15 and 16, and claims 17 and 19 dependent on claim 16, also recite in combination the steps of accepting a request from the user to become a registered user, sending a selected advertisement to the registered user, and compensating the registered user for receiving the advertisement. Claims 15-17 and 19 are thus submitted to be patentable over Landsman et al. and Goldhaber et al. for the same reasons as claim 8.

In view of the amendment to claims 8-15, 18, and 19, and the foregoing remarks, it is submitted that claims 8-15, 18, and 19 are not obvious over Landsman et al. and Goldhaber et al.

Accordingly, reconsideration of the rejection of claims 8-15, 18, and 19 under 35 USC 103(a) as being unpatentable over Landsman et al. and Goldhaber et al. is respectfully requested.

Claims 16 and 17 were rejected under 35 USC 103(a) as being unpatentable over Landsman et al. in view of US Patent 5,854,897 to Radziewicz et al. and Goldhaber et al.

As set forth hereinabove in connection with the rejection of claims 8-15, 18, and 19 under 35 USC 103(a), Landsman et al. and Goldhaber et al. do not disclose in combination the steps of (i) accepting a request from the user to become a registered user, (ii) sending a selected advertisement to the registered user, and (iii) compensating the registered user for receiving the advertisement. The Goldhaber et al. reference clearly discloses a compensation form that differs from the method delineated by claim 16, and claim 17 dependent thereon, in substantial respects. It is further submitted that Radziewicz et al. does not cure the lack of disclosure or suggestion of applicant's claimed method, even in combination with Landsman et al. and Goldhaber et al. Claims 16 and 17 are thus submitted to be patentably non-obvious over Landsman et al., Radziewicz et al., and Goldhaber et al.

In view of the amendment to claims 16 and 17 and the foregoing remarks, it is submitted that claims 16 and 17 are not rendered obvious by the combined teachings of Landsman et al., Radziewicz et al., and Goldhaber et al.,

Accordingly, reconsideration of the rejection of claims 16 and 17 under 35 USC 103(a) as being unpatentable over the combination of Landsman et al., Radziewicz et al., and Goldhaber et al. is respectfully requested

CONCLUSION

In view of the amendment to claims 1 and 6-19 and the foregoing remarks, it is respectfully submitted that the present application has been placed in allowable condition. Reconsideration of the objections and rejections set forth in the Office Action dated July

22, 2004, and allowance of the present application, as delineated by amended claims 1-19, are, therefore, earnestly solicited.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Ernest D. Buff", is written over a solid black horizontal line.

By

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